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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11
12 UNITED STATES OF AMERICA,)

13 Plaintiff/s,)

14 v.)

15)
16 Defendant/s.)
17 _____)

Case No. _____

**ORDER RE CRIMINAL PRE-TRIAL
MOTIONS, TRIALS, AND SENTENCING**

18
19 The above matter is set for trial before the Honorable Josephine Staton Tucker,
20 United States District Judge, Courtroom 10A, Ronald Reagan Federal Building and United
21 States Courthouse, 411 West Fourth Street, Santa Ana, CA 92701. Counsel preparing for
22 trial before this Court shall comply with this Order. Failure to comply with this order may
23 subject counsel to sanctions.
24

25 **MOTION PRACTICE**

26 1. Unless the Local Criminal Rules prescribe a different time for filing a
27 particular motion, pre-trial motions must be filed and served not later than twenty-eight

1 (28) days after arraignment and set for hearing not later than the Monday eight (8) days
2 prior to the trial date at 2:30 p.m. Counsel's estimate of the time required for presentation
3 of the motion must be set forth adjacent to the caption.

4 2. A party opposing a motion must file and serve an opposition not later than
5 seven (7) days after service of the motion or as otherwise permitted by the Court.
6 Counsel's estimate of the time required for presentation of the opposition to the motion
7 must be set forth in the caption of the opposition.

8 3. Memoranda of Points and Authorities in support of or in opposition to
9 motions shall not exceed 25 pages. Replies shall not exceed 12 pages. Only in rare
10 instances and for good cause shown will the Court grant an application to extend these page
11 limitations. No supplemental briefs shall be filed without prior leave of court.

12 4. Before filing any motion for discovery, counsel shall confer with opposing
13 counsel to ascertain what discovery will be provided. Any discovery motion shall state
14 with particularity what is requested, and whether such discovery has been declined.
15 Motions made without prior consultation with opposing counsel or which fail to include
16 the above information will not be heard.

17 18 **DISCOVERY AND NOTICE**

19 5. Counsel for the government and counsel for the defendant shall comply
20 promptly with discovery and notice pursuant to Fed. R. Crim. P., Rules 12, 12.1, 12.2,
21 12.3, 15 and 16. Upon government counsel's discovery of any evidence within the scope
22 of *Brady v. Maryland*, 373 U.S. 83 (1963), such evidence shall be produced forthwith to
23 counsel for the defendant. Counsel for the government shall also disclose to counsel for
24 the defendant the existence or non-existence of: (1) evidence obtained by electronic
25 surveillance; and (2) testimony by a government informant.

1 **TRIAL**

2 8. Trials are held Tuesdays through Thursdays, 9:00 a.m. to 4:30 p.m. and
3 Fridays, 8:00 a.m. to 2:00 p.m.

4 9. Counsel shall arrive at the Courtroom at 8:30 a.m. on the first day of trial
5 and present the Courtroom Deputy with the following documents:

- 6 a. Three copies of the government's witness list;
7 b. Three copies of the government's exhibit list;
8 c. All of the government's exhibits with official exhibit tags attached;
9 d. Two binders containing a copy of all reproducible exhibits, tabbed
10 with exhibit numbers along the right hand side;

11 10. Defense counsel need not deliver the exhibits to the Courtroom Deputy on
12 the first day of trial; however, defense counsel is responsible for affixing completed
13 exhibit tags to the exhibits which are intended for use in defendant's case. Defense
14 counsel shall provide the Court with two copies of their exhibits as they are introduced
15 during trial.

16 11. Voir Dire: At least four (4) court days prior to trial, each counsel shall file
17 and serve on opposing counsel any special questions requested to be put to prospective
18 jurors by the Court during voir dire.

19 12. Jury Instructions and Verdict Forms: In a jury trial, no later than one (1)
20 week before trial, counsel shall submit **JOINT** jury instructions and a **JOINT** proposed
21 verdict form (if a special verdict is desired). In order to produce these joint documents,
22 counsel shall meet and confer sufficiently in advance of the required submission date with
23 the goal of agreeing upon instructions and a verdict form. The instructions should be
24 submitted in the order in which the parties wish to have the instructions read. This order
25 should reflect a single organized sequence agreed to by all of the parties.

26 The jury instructions shall be submitted as follows:

- 27 a. Agreed upon **JOINT** jury instructions;

- 1 b. Instructions propounded by the government to which the
2 defendant(s) objects; and
3 c. Instructions propounded by defendant(s) to which the government
4 objects.

5 Instructions upon which agreement cannot be reached should reflect the basic
6 disagreements among the parties as to the law. Counsel shall include both general and
7 substantive instructions. In addition, counsel must submit electronic versions (either Word
8 or WordPerfect format) to the Court at the following email address:
9 JST_Chambers@cacd.uscourts.gov.

10 Attribution and case citation for each instruction should be placed on pages
11 following a proposed instruction. For disputed instructions, a party should note its
12 objections to a proposed instruction and its reasons for putting forth its alternative on
13 pages placed after its own alternative instruction.

14
15 **SENTENCING PROCEEDINGS**

16 13. If a defendant is convicted, the sentencing proceedings will be conducted
17 pursuant to Fed. Crim. Pro. Rule 32 and the Local Rules. If any party wishes to present
18 material to the Court which has (a) not been previously filed with the Court or presented
19 at trial, or (b) not been previously provided to the opposing party and the assigned United
20 States Probation Officer, such party must file and serve the information or evidence no
21 later than two (2) weeks before the scheduled sentencing hearing. Notwithstanding the
22 foregoing, a statement of each party's position concerning sentencing shall be filed and
23 served no later than two (2) weeks before the sentencing hearing, and the proof of service
24 shall reflect service on the assigned United States Probation Officer. Timely filing is
25 important to enable the Probation Officer sufficient time to prepare and disclose any
26 addendum to the Probation Report that may be required in response to new information
27 and/or evidence and/or a party's sentencing position. Failure to timely file and serve such

1 information, evidence, or statement of position may result in such information not being
2 considered by the Court in imposing defendant's sentence.

3 The Clerk is directed to serve this Order on all counsel at the time of post-
4 indictment arraignment proceedings.

5 IT IS SO ORDERED.

6
7 DATED: _____

8 **JOSEPHINE STATON TUCKER**
9 JOSEPHINE STATON TUCKER
UNITED STATES DISTRICT JUDGE